

الرسالة في الفرق بين ترك الحكم بالشرية واستبدال القوانين

Ar-Risalah fi Al-Farq bayna Tark al-Hukm
bish-Shari'ah wa Istibdal al-Qawanin

(The Difference Between Abandoning Judgment by
the Shari'ah and Replacing It with Man-made Laws)

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Language - English

٤ ذو الحجة ١٤٤٧ هـ

First, it is important to understand that abandoning some rulings of the Shari'ah (tark) and changing the Shari'ah itself (istibdal) are two different matters. This can be understood through 2 examples:

1. Abandoning the Shari'ah in implementation (Hadd) in a specific case.

If a qadi or judge gives a ruling between two or more people, and while judging he does not rule according to Allah's law due to wealth, desires, worldly benefit, or greed, but instead gives a biased judgment, then merely abandoning the Shari'ah in this one or few cases does not make him a kafir. This is because he only abandoned the Shari'ah in some specific cases; he did not establish general laws and enforce them upon the people.

However, for him to fall into kufr al akbar, istihlal bil qalb (deemed something haram to be halal) would be required. For example, if he were to say that zina is halal, or that there is no punishment for it in Islam, there is nothing wrong in zina or that riba is halal, or if he claims that judging without the Shari'ah is equal to or better than the Shari'ah, then he would become a kafir/Murtadd.

2. If a ruler governs the people and changes the Shari'ah replacing it with man-made laws or other religions laws, making haram things halal and halal things haram for the people, and establishing this as a complete legal system to govern them then he becomes a kafir. This is because he has committed both istibdal and istihlal (bil amal). He has replaced Allah's laws with his own laws, and by legislating for the people from himself, he has placed himself in a position belonging only to Allah. Regarding this, Allah says:

أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِنَ الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ

“Or do they have partners (Shuraka) who have legislated for them in religion that which Allah did not permit?” (Ash-Shura - 21)

For example:

1. By enacting laws and constitutions that make zina legal after the age of 18 with mutual consent.
2. Giving legal permission and licenses to riba-based banks.
3. Giving legal permission to liquor shops and brothels.
4. Prohibiting polygamy.
5. Making marriage below the age of 18 illegal even for those who are mature (baligh).

The question is: how?

Because he has made lawful for the people what Allah made unlawful, and made unlawful for the people what Allah made lawful and turned it into a permanent legal system, established a constitution upon it, and established courts based upon it. This is not merely abandoning the Shari'ah; rather, it is changing and replacing it (istibdal).

We can understand this through another example:

If a person abandons salah at times or sometimes, Ahl al-Sunnah do not generally declare him a kafir merely for that. However, if he believes that abandoning prayer is lawful, or believes that prayer is not obligatory, then he becomes a kafir.

But on the other hand, if a person accepts that salah is obligatory, yet then says that Maghrib prayer is not three rak'ahs but five, and then establishes this as a law and imposes it upon the people, then this is major disbelief (kufr akbar) that takes him outside Islam. This is because he has altered Allah's rulings and laws, and has effectively placed himself in the position of Allah. And he has become a taghut whose kufr and rejection Allah has commanded us to uphold.

Allah says:

فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنِ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ

“So whoever disbelieves in taghut and believes in Allah has grasped the firmest handhold...” (Al-Baqarah - 256)

And Allah Says:

وَلَقَدْ بَعَثْنَا فِي كُلِّ أُمَّةٍ رَّسُولًا أَنْ اعْبُدُوا اللَّهَ وَاجْتَنِبُوا الطَّاغُوتَ

“And We certainly sent into every nation a messenger, [saying]: ‘Worship Allah and avoid/reject taghut.’ (An-Nahl - 36)

- In the first case, there was only abandonment of the Shari‘ah (tark al-Shari‘ah) in implementing the hadd or in giving judgment in a particular case by other than the Shari‘ah, which is Ma‘siyah (sinful disobedience) and a major sin and a minor kufr (kufr duna kufr). And this is similar to major sins such as committing zina, engaging in riba, drinking alcohol, and theft. This is because in all these cases, a person commits these acts through abandonment of Allah’s Shari‘ah and Ma‘siyah (disobedience), and these are among the major sins. However, the one who commits them does not become a disbeliever unless he considers these actions to be lawful. Whereas the second case is major disbelief (kufr akbar), involving the alteration or abolition of the Shari‘ah, which is self-evidently and unquestionably kufr akbar.

In this way, Ahlus Sunnah understand that tark and istibdal are two separate matters. The one who merely abandons a ruling does not become a disbeliever unless istihlal is present, whereas istibdal is the replacement of the Shari‘ah with something else, whether man-made laws or the laws of other religions. This is major kufr that can make a person a taghut and a kafir.

And Allah has warned in many places in the Qur’an those who take partners with Him in his judgment, and those who seek judgment from laws other than the laws of Allah.

Shirk of legislation is the same as Shirk of worship. Allah says:

وَلَا يُشْرِكْ فِي حُكْمِهِ أَحَدًا

“And He does not share (Shirk) His judgment (Legislations) with anyone.” (Al-Kahf - 26)

Allah says:

وَلَا يُشْرِكْ بِعِبَادَةِ رَبِّهِ أَحَدًا

“And not associate anyone in the worship of his Lord” (Al-Kahf - 110)

Tafsir:

Imam Yahya ibn Sallam رحمه الله (D. 200 AH) Said: “Regarding His statement, "And He does not associate anyone in His judgment" (Al-Kahf - 26) It is recited both with the ya (third-person) and the ta (second-person). They say: "Do not associate, O Muhammad, anyone in His judgment," meaning: do not associate anyone with Him such that you make him a partner alongside Him in His judgment, His decree, and His affairs.”

And whoever recites it with the ya (third-person) understands it as: "Allah does not associate anyone in His judgment.” (*Tafsir Yahya ibn Sallam - 1/180*)

Imam Muhammad Ibn Jarir al-Tabari رحمه الله (D. 310 AH) Said: “And his statement: "He does not associate anyone in His Judgement" (Al-Kahf - 26) meaning: Allah does not appoint anyone as a partner with Him in His decree and His judgment over His creation. Rather, He alone is singular in judgment and decree concerning them, as well as in their governance and disposition, according to whatever He wills and loves.” (*Tafsir At-Tabari - 15/234*)

Imam Muhammad Al-Ameen Al-Shinqiti رحمه الله Said: “Associating partners with Allah in His judgment is like associating partners with Him in His worship.

Allah said regarding His judgment: 'And He does not share His judgment with anyone.' (Al-Kahf- 26)

And in the recitation of Ibn Amir ad-Dimashqi from among the seven reciters, it is read: 'And do not associate anyone in His judgment,' in the form of a prohibition." (*Adwa' al-Bayan* - 7/173)

Imam Muhammad Al-Ameen Al-Shinqiti رحمه الله also Said: "The Qur'an has indicated in many verses that there is no judgment except for Allah, and that following legislation other than His is disbelief in Him.

Among the verses that show that judgment belongs to Allah alone are His statements. The الحكم (judgment/authority) is only for Allah. He has commanded that you worship none but Him.' (Qur'an 12:40)

'The judgment is only for Allah; upon Him I rely...' (Qur'an 12:67)

'The judgment is only for Allah. He declares the truth, and He is the best of those who decide.' (Qur'an 6:57)

'And whoever does not judge by what Allah has revealed-then they are the disbelievers.' (Qur'an 5:44)

'And He does not associate anyone in His judgment.' (Qur'an 18:26)

'Everything will perish except His Face. His is the judgment, and to Him you will be returned.' (Qur'an 28:88)

'To Him belongs all praise in the first and the last, and His is the judgment, and to Him you will be returned.' (Qur'an 28:70)

And the verses with this same meaning are many." (*Adwa' al-Bayan* - 7/174)

And Imam Ibn al-Jawzi رحمه الله (D. 597 AH) Said: "His statement, the Exalted: "And He does not share His judgement with anyone" (Al Kahf 26), meaning: it is not permissible for any ruler to judge by other than what Allah has judged. No one has the right to pass judgement from his own self; otherwise he would become a -

partner with Allah, the Mighty and Majestic, in His judgement.

And Ibn Amir ad-Dimashqi recited it as: "wa la tushrik" (ولا تشرك) with the ta (ت) in the jussive form, meaning: "Do not associate (anyone with Him), O human being." (*Zad Al-Masir Fi Ilm Al-Tafsir* - 5/131)

It is not possible for someone to make himself a partner with Allah and still remain a Muslim. Rather, he becomes a kafir, Murtad and a taghut who commands people to follow the laws that he has established in place of Allah's laws, and to judge according to them within his state.

Any system, authority, person, group, or anything that enforces laws in opposition to Allah's laws, or establishes a system contrary to Allah's laws, has been called Taghut by Allah. And Allah has commanded the Muslims to disbelieve in Taghut and to reject it in Surah An-Nisa-60-61,65.

"Hajjaj ibn Hamzah narrated to us, he said: Shababah narrated to us, he said: Warqa' narrated to us, from Ibn Abi Najih, from The Great Tab'i Mujahid regarding the statement:

"Al-Taghut", he said:

"It is Satan in the form of a human. They seek judgment from him, and he is the one who commands them."

[*Tafsir al-Qur'an al-Azim by Ibn Abi Hatim al-Razi* - 4/298, Grade - Hasan (good)]

Saleh Al-Fawzan was asked:

"Question: What is the meaning of Taghut? And is every Taghut a kafir?

Answer: Taghut in the Arabic language is derived from tughyan, meaning going beyond the limits such as exceeding truth into falsehood, or faith into disbelief, and similar meanings. Taghut are many, and every Taghut is undoubtedly a kafir. The Taghut are -

many, but their leaders are five, as mentioned by the scholar Ibn al-Qayyim and others." (Majmu Al Fatawa, Saleh Al-Fawzan - 1/18)

All the Tawaghit are kuffar: Muhammad narrated to us; he said: Yahya narrated to us; he said: Ali ibn Muslim narrated to us; he said: Sulayman ibn Harb narrated to us; he said: Hammad ibn Zayd narrated to us, from al-Ja'd Abu 'Uthman, who said:

Sulayman ibn Qays al-Yashkuri who was from the Ahl al bayt said:

I said to Jabir ibn Abdullah رضي الله عنه : "Are there any Tawaghit among the people of the qiblah?"

He said: "No."

I said: "Do you call any from among the people of Qiblah mushrik?"

He said: "No."

(Sharh Usul I'tiqad Ahl al-Sunnah wa al-Jama'ah by Imam Al-Lalkai, Narration no - 1731, Garde - Sahih)

And Allah says:

وَلَقَدْ بَعَثْنَا فِي كُلِّ أُمَّةٍ رَّسُولًا أَنْ اعْبُدُوا اللَّهَ وَاجْتَنِبُوا الطَّاغُوتَ

"And verily, We have sent among every Ummah a Messenger: [saying]: "Worship Allah (Alone), and avoid (or keep away from) Taghut (all false deities i.e. do not worship Taghut besides Allâh)." (An-Nahl - 36)

And he says:

فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنْ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ

"So whoever disbelieves in taghut and believes in Allah has grasped the firmest handhold..." (Al-Baqarah - 256)

And He says:

وَالَّذِينَ اجْتَنَبُوا الطَّاغُوتَ أَنْ يَعْبُدُوهَا وَأَنَابُوا إِلَى اللَّهِ لَهُمُ الْبُشْرَىٰ فَبَشِّرْ عِبَادِ

“Those who avoid At-Tâghût 1 (false deities) by not worshipping them and turn to Allâh (in repentance), for them are glad tidings; so announce the good news to My slaves” (Az-Zumar-17)

And Allah Says:

إِنَّهُ مَنْ يُشْرِكْ بِاللَّهِ فَقَدْ حَرَّمَ اللَّهُ عَلَيْهِ الْجَنَّةَ وَمَأْوَهُ النَّارُ وَمَا لِلظَّالِمِينَ مِنْ أَنْصَارٍ

“Indeed, whoever associates partners with Allah -Allah has forbidden Paradise (Jannah) for him, and his abode is the Fire. And for the wrongdoers there are no helpers.” (Al-Ma'idah - 72)

And Allah says:

إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ، وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ وَمَنْ يُشْرِكْ بِاللَّهِ فَقَدْ افْتَرَىٰ إِثْمًا عَظِيمًا

“Indeed, Allah does not forgive associating partners with Him, but He forgives anything less than that for whom He wills. And whoever associates partners with Allah has certainly fabricated a tremendous sin.” (An-Nisa - 48)

And Allah says:

قُلْ تَعَالَوْا أَتْلُ مَا حَرَّمَ رَبِّي عَلَيْكُمْ أَلَّا تُشْرِكُوا بِهِ

“Say (O Muhammad ﷺ) : Come, I will recite what your Lord has forbidden to you: that you do not associate anything with Him...” (Al-An'am -151)

And Allah says:

أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِنَ الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ

“Or do they have partners who have legislated for them a religion that Allah has not permitted” (Ash-Shura-21)

Here, Allah clearly states that those who engage in tashri (legislation) besides Allah are presented as partners with Him. This implies that whoever legislates in matters of religion apart from Allah, and those who follow such legislation, have effectively taken that person as a partner alongside Allah.

And Allah Says:

مَا تَعْبُدُونَ مِنْ دُونِهِ إِلَّا أَسْمَاءُ سَمَّيْتُمُوهَا أَنْتُمْ وَمَا بَاوُكُم مَّا أَنْزَلَ اللَّهُ بِهَا مِنْ سُلْطَانٍ
إِنِ الْحُكْمُ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الَّذِينَ الْقِيَمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ

“You do not worship besides Him except mere names which you and your forefathers have named-Allah has sent down no authority for them. The judgment (Hukm) is for none but Allah. He has commanded that you worship none but Him. That is the correct religion, but most people do not know.” (Yusuf - 40)

In this verse, three fundamental principles are clearly established. First, the statement "the judgment (hukm) is for none but Allah" affirms that ultimate authority and sovereignty belong exclusively to Allah. Second, the declaration that "Allah has sent down no authority" negates the legitimacy of any deities, systems, or claims that lack divine sanction. Third, the command to "worship none but Him" establishes a direct relationship between hukm (authority) and iibadah (worship), indicating that recognizing Allah's exclusive authority is intrinsically linked to His exclusive right to be worshipped.

And Allah has made it a wajib (obligatory) upon those who govern and judge between people to rule in accordance with Allah's laws (Sharia).

Allah says:

وَلِيُخْجَمِ أَهْلُ الْإِنْجِيلِ بِمَا أَنْزَلَ اللَّهُ فِيهِ

“And let the People of the Gospel judge by what Allah has revealed therein...” (Al-Maida'h - 47)

And Allah Says:

وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ فَاحْكُم بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا وَلَوْ شَاءَ اللَّهُ لَجَعَلَكُمْ أُمَّةً وَاحِدَةً وَلَكِنْ لِيَبْلُوَكُمْ فِي مَا آتَاكُمْ فَاسْتَبِقُوا
الْخَيْرَاتِ إِلَى اللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ فِيهِ تَخْتَلِفُونَ

“And We have revealed to you the Book in truth, confirming that which preceded it of the Scripture and as a criterion over it. So judge between them by what Allah has revealed, and do not follow their desires away from the truth that has come to you. To each of you We have prescribed a law and a clear way. If Allah had willed, He would have made you one nation, but [He intended] to test you in what He has given you; so compete in good deeds. To Allah is your return all together, and He will inform you concerning that over which you used to differ.” (Al-Ma'idah - 48)

And Allah says: “Indeed, We revealed the Torah, in which was guidance and light. The prophets who submitted [to Allah] judged by it for the Jews, as did the rabbis and scholars by what they were entrusted of the Book of Allah, and they were witnesses to it. So do not fear the people but fear Me, and do not exchange My verses for a small price. And whoever does not judge by what Allah has revealed—then it is those who are the disbelievers.” (Al-Ma'idah - 44)

Narrated Junada bin Abi Umaiya: “We entered upon 'Ubada bin As-Samit while he was sick. We said, "May Allah make you healthy. Will you tell us a Hadith you heard from the Prophet ﷺ and by which Allah may make you benefit?" He said, "The Prophet ﷺ called us and we gave him the Pledge of allegiance for Islam, and among the conditions on which he took the Pledge from us, was that we were to listen and obey (the orders) both at the time when we were active and at the time when we were tired, and at our difficult time and at our ease and to be obedient to the ruler and give him his right even if he did not give us our right, and not to fight against him unless we noticed him having open Kufr (Kufr Bawah) for which we would have a proof with us from Allah." (Sahih al-Bukhari 7055, 7056)

It was narrated from Umm Husain that she heard the Messenger of Allah (ﷺ) say: “Even if the one appointed over you is a mutilated Ethiopian slave whose nose and ears have been cut off, listen to him and obey, so long as he leads you according to the Book of Allah.” (Sunan Ibn Majah - 2861, Muslim -1838)

If you reflect on the first Hadith, it becomes clear that the Prophet ﷺ forbade rebelling against the ruler and commanded obedience to him as long as you do not see clear disbelief (kufr bawah).

This shows that a condition was placed on obedience and on refraining from rebellion, the absence of kufr bawah (manifest disbelief).

In the second Hadith, it is stated that one should listen and obey the ruler so long as he leads you according to the Book of Allah. This also establishes a condition for obedience namely, that governance must be in accordance with the Qur'an (i.e., the Shari'ah, including the Sunnah).

this, it is understood that just as kufr bawah is the condition that permits rebellion in the first Hadith, the second Hadith indicates that ruling contrary to the Book of Allah violates the condition of obedience. Therefore, ruling in opposition to the Book of Allah constitutes kufr bawah, which nullifies the obligation of obedience.

Imam Al-Qadhi lyadh رحمه الله (D. 544 AH) Said: "The scholars have formed a consensus (ijma) that the leadership (Imamah) is not to be contracted to a Kafir and that if Kufr comes from him, then he is to be removed... So if Kufr and changing the Legislation (Shar'a) or innovation (Bid'ah) comes from him, then he has left the status of authority and his (right) of obedience falls and it becomes obligatory upon the Muslims to rise up against him and remove him..." (*Sharh an-Nawawī Li Sahih Muslim* - 12/229)

So if a Ruler's Disbelief becomes clearly manifest whether through worship of other than Allah, or through other forms of Disbelief and Nullifiers (of Islam), or through altering/distorting the Shari'ah, then his Rulership becomes invalid due to his kufr, and obedience to him ends. He is no longer a legitimate Wali al-Amr; rather, he becomes a Taghut. And for this reason, Imam al-Shawkani say Wali Al-Amr is not the one who has Taghutiyyah Authority

Imam Al-Shawkani رحمه الله (D. 1250 AH) Said: “And wali al-amr (those in authority): They are the a’immah, salatin, the qudat (judges), and all who possess a legitimate (shar’iyyah) authority, not taghutiyyah authority. What is meant is obedience to them in what they command and forbid, so as long as it is not disobedience [to Allah]. For there is no obedience to a created being in disobedience to Allah as has been established from the Messenger of Allah, peace and blessings be upon him.” (*Fath al-Qadir* - 1/556)

Imam al-Shawkani رحمه الله also said: “As for these people, Jihad against them is obligatory, and fighting them becomes individually binding until they accept the rulings of Islam, submit to them, judge among themselves by the purified Shariah, and abandon all that they are upon of satanic Tawaghit.

Moreover, along with this, they persist in matters other than ruling by taghut and referring judgment to it-each one of which, independently, necessitates the disbelief of the one who commits it and his khurooj (exit) from Islam. An example of this is their collective agreement upon depriving women of inheritance, their persistence upon it, and their mutual support in carrying it out.

It has been established in the principles of Islam that whoever denies a definitive (qati) ruling, rejects it, or acts in opposition to it out of rebellion, obstinacy, deeming it lawful, or belittlement then he is a disbeliever in Allah and in the purified Shari’ah which He has chosen for His servants.” (*Fath al-Rabbani* -1/5750)

Imam Ad-Dawudi رحمه الله (D. 402 AH) Said: “The scholars are regarding that the oppressive [Muslim] rulers, if it is possible to remove them without fitnah (war), then it is obligatory (Wajib); but if it involves fitnah (war), then it is obligatory to be patient. And some scholars view that it is not permissible to put a fasiq (oppressor) into rulership if he is as such from the beginning; but if he was put into position while he was righteous, and then later committed oppression- then the scholars have differed regarding revolting against such a (fasiq) ruler, but the correct opinion is that it is forbidden. But as for the ruler committing kufr, then it is obligatory (Wajib).” (*Fat’h Al-Bari* - 13/11)

So it is well known among the Ahl al-Sunnah wa al-Jamā'ah that it is obligatory upon the ruler to govern the people by the Sharī'ah (the Qur'an and Sunnah). When he fulfills this obligation, obedience to him becomes obligatory. But when the Sharī'ah is replaced by a ruler, then because of this kufr (istibdāl al-sharī'ah), obedience to him becomes nullified, and rebellion against him becomes permissible. Just as some of the Salaf revolted against Al-Hajjaj ibn Yusuf when he altered the Sharī'ah by taking jizyah from newly converted Muslims. And it is obligatory upon the ruler to judge by the Sharī'ah (the Qur'an and Sunnah); only then does obedience to him become binding upon the people. The evidence for this is found from the Sahabah رضي الله عنهم.

Ali رضي الله عنه said: "It's an obligation on the ruler to rule by the Shari'ah of Allah and to fulfill his Amanah. If he does that, then it becomes an obligation upon the people to listen and obey." (*Tafsir al-Baghawi* - 2/240 and *Al-Sunnah by Imam al-Khallal* - 1/109, Grade - Hasan)

- Here ends the explanation of Shirk al-Hakimiyyah.

The scholars of Ahl al-Sunnah distinguished between istibdāl al-sharī'ah (the general replacement of the Sharia—i.e., substituting it with another system as a public, governing legal framework) and a specific individual case (qadiyyah mu'ayyanah). This distinction is what we will discuss further ahead.

1. Shaykh Ibn Uthaymeen was asked: Esteemed Shaykh, what is the nature of ruling by other than what Allah has revealed?

Answer: Ruling by other than what Allah has revealed is divided into two categories.

The first category: That the ruling of Allah is abolished and replaced with another Taghuti system of judgment such that ruling by the Shariah among the people is eliminated and another system from man-made legislation is put in its place. Like those who remove the Shari rulings governing dealings between people and replace them with secular laws. There is no doubt that this is replacing the Shari'ah of Allah, Glorified and Exalted, with -

something else, and it is kufr that expels one from the Deen (religion). This is because such a person has placed himself in the position of the Creator by legislating for the servants of Allah that which Allah did not permit rather, that which opposes the judgment of Allah and making it the decisive authority among creation. Allah the Exalted called this shirk in His statement:

"Or do they have partners who have legislated for them in religion that which Allah did not permit?" [Al-Shura: 21]

The second category: That the rulings of Allah remain as they are, retaining authority and being the basis of judgment, but a ruler among the rulers gives a judgment contrary to what those rulings require. Such ruling by other than what Allah revealed has three situations.

The first situation: That he judges contrary to the Shariah of Allah while believing that this judgment is better than Allah's judgment and more beneficial for the servants, or believing that it is equal to Allah's judgment, or believing that it is permissible to rule by other than what Allah revealed. This is disbelief that expels the ruler from the religion, because he was not satisfied with the judgment of Allah and did not make Allah the judge between His servants.

The second situation: That he rules by other than what Allah revealed while believing that Allah's judgment is the best and most beneficial for His servants, but he departs from it while knowing that he is disobeying Allah. Rather, he intends oppression and injustice against the one being judged, due to hostility between them. Thus he rules by other than what Allah revealed not out of dislike for Allah's judgment, nor as a replacement for it, nor believing that the judgment he gave is better than or equal to Allah's judgment, nor believing it permissible but merely to harm the one judged against. In this case we do not say that this ruler is a disbeliever; rather, we say he is an unjust oppressor and transgressor.

The third situation: That he rules by other than what Allah revealed while believing that Allah's judgment is the best and most

beneficial for His servants, and that by doing so he is disobeying Allah, but he judges according to personal desire for some benefit returning to himself or to the one in whose favor he judged. This is *fisq* (sinful disobedience) and rebellion from obedience to Allah.

According to these three situations are understood the three verses:

"And whoever does not judge by what Allah has revealed then they are the disbelievers" [al-Ma'idah: 44] - this applies to the first situation.

"And whoever does not judge by what Allah has revealed then they are the wrongdoers" [al-Ma'idah: 45] this applies to the second situation.

"And whoever does not judge by what Allah has revealed then they are the defiantly disobedient" [al-Ma'idah: 47] this applies to the third situation.

This issue is among the most dangerous matters of our time. For among the people are those who have become infatuated and impressed with the systems of the non-Muslims, so much so that they became attached to them, and perhaps even gave them precedence over the judgment of Allah and His Messenger. They do not realize that the judgment of Allah and His Messenger remains valid until the Day of Resurrection. The Prophet was sent to all creation until the Day of Resurrection, and the One who sent him, Glorified and Exalted, knows the conditions of His servants until the Day of Resurrection. Therefore, it is impossible that He would legislate for His servants anything except that which benefits them in the affairs of their religion and worldly life until the Day of Resurrection.

Whoever claims or imagines that a system other than Allah's judgment in our time is more beneficial for Allah's servants than the rulings established in the time of the Prophet has gone far astray. He must repent to Allah, return to right guidance, and reflect carefully upon his condition." (Fiqh al-Ibadat, Page - 60-63)

2. Shaykh Allamah Abdullah ibn Humayd رحمه الله Said: “It is necessary to distinguish in the matter of ruling - by other than what Allah has revealed between two cases:

The First Case: If someone judges between two people [in a case of dispute] and inclines toward one of them, and does not implement the ruling of Allah due to kinship, a bribe, or something similar - then he is judged to be a fäsiq (sinner) -or [it is] kufr duna kufr and he does not exit Islām.

The Second Case: Whoever issues a general legislation binding upon the people, in contradiction to the ruling of Allah, then such a person exits the religion as a kafir.” (*Al-Iman wa Mubtilatuhu fil Aqeedah al-Islamiyyah: page - 144*)

3. Shaykh Al Allamah Muhammad Ibn Ibrahim Al Ash-Shaykh رحمه الله Said: “As for the one about whom it is said: 'Kufr less than major kufr (kufr dūna kufr)', this is when someone refers judgment to other than Allah while believing that he is sinful and that the ruling of Allah is the truth. This is the one from whom such an act occurs once or occasionally.

But the one who establishes laws in an organized system and makes them binding and authoritative-this is disbelief (kufr), even if they say: 'We made a mistake and the ruling of the Sharia is more just.'

So there is a difference between the one who merely commits the act and the one who establishes, affirms, and makes it the reference. When they make it the ultimate reference for judgment, then this is disbelief that takes a person out of the religion.” (*Fatawa wa Rasaa'il ash-Shaykh Muhammad bin Ibrahim - 12/280*)

Shaykh Muhammad ibn Ibrahim Al-ash Shaykh رحمه الله also said: “As for the second category of the two categories of the disbelief of the one who judges by other than what Allah has revealed - which is the type that does not expel a person from the religion it has already been mentioned that the explanation of Ibn Abbas (may Allah be pleased with him) regarding the saying of Allah, the

Mighty and Majestic: 'And whoever does not judge by what Allah has revealed -then they are the disbelievers' (Qur'an 5:44),

includes this category. This is based on his statement about the verse: "Kufr less than Kufr (minor disbelief)", and his statement: "It is not the disbelief that you are going to."

This occurs when a person's desires and whims lead him to judge in a particular (Specific) case with something other than what Allah has revealed, while he believes that the judgment of Allah and His Messenger is the truth, and he acknowledges his own error and that he has departed from the guidance.

Although this disbelief does not expel him from the religion, it is still a grave sin, greater than major sins such as adultery, drinking alcohol, theft, and a false oath, and others. For a sin that Allah has named "disbelief" in His Book is greater than a sin that He did not name disbelief." (*Risalah Tahkim al-Qawanin, last page, 9*)

4. Shaykh Al-Allamah Abdul Aziz bin Abdul Latif Al Ash-Shaykh رحمه الله Said: "It is necessary to understand the statement of Abu Mijlaz and likewise the statement of Ibn Abbas (may Allah be pleased with them both) according to its apparent meaning and according to its proper context, without exaggeration and without negligence.

So we should not be like the Khawarij, who considered every violation of the Shari'ah to be major disbelief, and at the same time we should not be with the opposite group Murji'ah who considered rejecting the Shari'ah, setting it aside, and turning away from it to be merely minor disbelief.

For Ibn Abbas and likewise Abu Mijlaz did not intend by their statements the one who refuses and abstains from adhering to the law of Allah, and instead seeks judgment by the laws of ignorance (Jahiliyyah). Such a thing did not exist in those earlier centuries. Rather, the statements of the righteous predecessors (Salaf) about "disbelief less than disbelief" revolve around a specific individual case of sin, not about abandoning or replacing the Shari'ah altogether." (*Nawaqid al-Iman, Page - 339-340*)

Shaykh Al-Allamah Abdul Aziz bin Abdul Latif Al Ash-Shaykh رحمه الله also said: "Rather, it refers to a specific incident of judging by other than what Allah has revealed, due to desire and personal inclination, while believing that this action is forbidden and sinful, and not as a general method or system.

This matter is clearly explained by the statement of Ibn Taymiyyah which was mentioned previously:

'As for the one who is committed to the judgment of Allah and His Messenger inwardly and outwardly, but he disobeys and follows his desires, then he is like others among the sinners." (*Nawaqid al-Iman* - 340)

5. Shaykh Abd al-Rahman ibn Muhammad ibn Qasim Al-Najdi رحمه الله Said: "And the correct view is that ruling by other than what Allah has revealed is disbelief (kufr) in an absolute sense, as Allah Himself has named it. However, it may be either kufr of action or kufr of belief that expels a person from the religion.

Our Shaykh said: It is of several types: Either he denies the rightfulness of the judgement of Allah and His Messenger, Or he believes that the judgement of someone other than the Messenger is better than his judgement, Or he believes it is equal to it, Or he believes it is permissible to rule with what opposes it, Or he sets up courts parallel to the Shariah courts, preparing them with systems, references, and the like.

As for the kufr of action, which was mentioned by Ibn Abbas and others as "kufr lesser than kufr (kufr duna kufr)", it is when someone rules in a particular (specific) case by other than what Allah revealed while believing the the judgement of Allah is the truth and acknowledging that he has comitted an error." (*Al-Ahkam Sharh Usul al-Ahkam* - 4/497)

6. Saleh Al Fawzan Said: "Muhammad ibn Ibrahim Al ash-Sheikh رحمه الله distinguished between a partial ruling that occurs in a specific case and does not recur, and a general ruling that becomes

the reference for all judgments or most of them.

He affirmed that this latter type of disbelief expels a person from the religion absolutely, because whoever sets aside the Islamic Shari'ah and makes man-made law a substitute for it, this indicates that he sees that man-made law is better and more suitable than the Shari'ah.

There is no doubt that this is major disbelief (kufr akbar) which takes a person out of the religion and contradicts Tawhid." (*Aqidat al-Tawhid* - 125)

Those who apply the statement of Ibn Abbas and others regarding "kufr dūna kufr" to general legislation are misleading the people. In reality, this "kufr dūna kufr" was concerning a specific judgment or case where ruling or implementing a prescribed punishment according to the Shari'ah was neglected, And Shaykh Ahmad Muhammad Shakir رحمه الله said:

"And, these athars from Ibn Abbas رضى الله عنه and others with which the misguided in our times play in our times, from those who are associated with knowledge and other than them who are against this religion: they make it an excuse or a permission to establish pagan man-made laws which have afflicted the lands of Islam." (*Hukm al jahiliyyah*, pg - 39)

Saleh al fawzan said: "We say: this tabdil which you mentioned as being kufr al akbar by consensus of the Muslims is a form of alteration that does not exist; rather, it is hypothetical on your part. No ruler today, nor in the past, has said this ('They are from Allah' or 'from His legislation').

Rather, what exists is istibdal (replacement): choosing to make man-made laws a substitute for Islamic Shariah, abolishing the Shariah courts. This too is kufr al akbar, because it removes the application of Islamic Shariah, sidelines it completely, and replaces it with man-made laws. So what then remains of Islam?!" (*At-Tahdbir min al-Irja*, page -34)

Shaykh Ibn Uthaymeen رحمه الله said: "When the judgment of Allah

is removed for the judgment of the Taghut (and) thus abolishes the judgment of Shari'ah between the people. He replaces the divine law of Allah and his Messenger with the man-made laws like those who abandon the legal judgments regarding transactions between people and replaces them with man-made systems. This, without doubt, is replacing the Shari'ah of Allah for other than it. And this is Kufr which takes a person out the fold of Islam because he he's made himself equal to the creator, as he's legislated for the slaves of Allah which Allah did not approve.” (Fiqh Al Ibadah - Page 61)

Among the Ahl al-Sunnah, both istibdal al-sharī‘ah (replacing the Sharī‘ah) and tashrī‘ (legislating laws besides Allah’s law) are considered kufr al-akbar, and there is ijmā‘ upon this, as mentioned by Ishaq ibn Rahwayh in Kitāb al-Tamhīd (4/225–226), Ibn Kathir in Al-Bidāyah wa al-Nihāyah (13/139), Ibn Taymiyyah in Majmūlu‘ al-Fatawa (8/106, 3/267, 28/524), Ibn Hazm in Al-Ihkām fi Usul al-Ahkam (5/173), and Al-Ruyani in Al-Bahr al-Muhit (6/87), where he attributed this view to Al-Shafi'i.

- End

So reflect, my brother, on what the truth is and what the religion of Allah truly is. Recognize the fitnah that the enemies of Islam seek to spread among you so that you may deviate from the straight path of Allah and become distant from the manhaj of the Prophet ﷺ and his Companions. Allah says: “And Shaytan wishes to lead them far astray.” (An-Nisa -60)

Allah has, in every era, connected His Shari‘ah with Tawheed, and He has made His Shari‘ah obligatory upon the people upon those who govern and judge between the servants of Allah. And every authority or individual who legislates laws contrary to the Shari‘ah of Allah, imposes them upon the people, or replaces the Shari‘ah of Allah, is considered a taghut. Allah says: “And We certainly sent into every nation a messenger, [proclaiming]: ‘Worship Allah and avoid the Taghut.’” (An-Nahl - 36)

And this is what the scholars of sunnah refer to under the term Tawheed al-Haakimiyyah meaning affirming that the right of

legislation, command, and judgment belongs solely to Allah. However, according to the Salaf and Ahl al-Sunnah, Tawheed al-Haakimiyyah is not a separate category of the RR; rather, it falls under Tawheed ar-Ruboobiyyah and is manifested through Tawheed al-Uloohiyyah by obeying Allah alone in legislation and judgment.

And Allah says regarding those who knowingly reject and deny the truth after it has become clear to them:

وَمَنْ أَظْلَمُ مِمَّنْ ذُكِّرَ بِآيَاتِ رَبِّهِ فَأَعْرَضَ عَنْهَا

“And who is more unjust than one who is reminded of the verses of his Lord, then turns away from them?” (Al-Kahf - 57)

And Allah says:

إِنَّ الَّذِينَ أَرْتَدُّوا عَلَىٰ أَدْبَارِهِم مِّن بَعْدِ مَا تَبَيَّنَ لَهُمُ الْهُدَىٰ

“Indeed, those who turned back after guidance had become clear to them...” (Muhammad - 25)

And Allah says:

فَلَمَّا جَاءَهُمْ مَا عَرَفُوا كَفَرُوا بِهِ

“But when there came to them that which they recognized, they disbelieved in it.”

And Allah says:

وَمَا تُغْنِي الْأَيَّاتُ وَالنُّذُرُ عَن قَوْمٍ لَا يُؤْمِنُونَ

“But no signs or warnings benefit a people who do not believe.” (Yunus - 101)

And Allah says:

الَّذِينَ كَفَرُوا بِآيَاتِ اللَّهِ لَهُمْ عَذَابٌ شَدِيدٌ

“Indeed, those who disbelieve in the verses of Allah — for them is a severe punishment.” (Surah Aal ‘Imran - 4)

And Allah says:

وَيْلٌ لِّكُلِّ أَفَّاكٍ أَثِيمٍ يَسْمَعُ ءَايَاتِ اللَّهِ تُتْلَى عَلَيْهِ ثُمَّ يُصِرُّ مُسْتَكْبِرًا كَأَن لَّمْ
يَسْمَعْهَا فَبَشِّرْهُ بِعَذَابٍ أَلِيمٍ

“Woe to every sinful liar. He hears the verses of Allah recited to him, yet persists arrogantly as though he had not heard them. So give him tidings of a painful punishment.” (Al-Jathiyah - 7–8)

And I say: : “There is no remedy for the one who stubbornly rejects the truth after it has become clear to him, except the punishment of Hell like Abu Jahl and firaun.”

And Allah has said regarding the sincere and truthful people:

نَ فِي ذَلِكَ لَآيَاتٍ لِّلْمُتَوَسِّمِينَ

“Indeed, in that are signs for those who discern and seek the truth.” (Al-Hijr - 75)

And Allah says:

إِنَّ فِي ذَلِكَ لَذِكْرَى لِمَن كَانَ لَهُ قَلْبٌ أَوْ أَلْقَى السَّمْعَ وَهُوَ شَهِيدٌ

“Indeed in that is a reminder for whoever has a heart or who listens while being present [in mind].” (Qaaf - 50)

-End

O Allah, show us the truth as truth and grant us the ability to follow it, and show us falsehood as falsehood and grant us the ability to avoid it. O Allah, keep our hearts firm upon Your religion and guide us to the straight path until we meet You.

“And whoever Allah does not grant light (Hidayah) - for him there is no light (Hidayah).” (An-Noor - 40)